

#18

DOCKET NO.: CP215

PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Application of:

Martin J. Jacobs et al.

Application No.: 09/975,350

Filing Date: October 11, 2001

For: COMPOSITIONS COMPRISING MODAFINIL COMPOUNDS

Confirmation No.: 9510

Group Art Unit: 1615

Examiner: Fubara, Blessing M.

DATE OF DEPOSIT: November 14, 2003

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED  
ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

*Patricia A. Sexton*  
Printed Name: Patricia A. Sexton

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to the Office Action mailed on March 7, 2003, which set a three month period for reply. The date of abandonment is the day after the expiration date of the period set for reply in the Office Notice or Action plus any extensions of time obtained therefor.

**APPLICANT(S) HEREBY PETITIONS FOR THE REVIVAL OF THIS  
APPLICATION**

Petition fee (37 CFR § 1.17m):

☒ Other than a Small Business entity - fee \$1,330.00.

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**OFFICE OF PETITIONS**

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**PATENT**

Reply and/or fee:

The reply to the above-noted Office Action

- ☐ in the form of \_\_\_\_\_ was previously filed on \_\_\_\_\_.
- ☒ is enclosed herewith.

The Issue Fee of \$ .00

- ☐ was previously paid on \_\_\_\_\_.
- ☐ is enclosed herewith.

Terminal disclaimer with disclaimer fee:

- ☐ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer and disclaimer fee (37 CFR § 1.20(d)) disclaiming a period equivalent to the period of abandonment is enclosed herewith. (See PTO/SB/63)

### STATEMENT

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Payment of fee(s):

- ☐ A check in the amount of \$ .00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$ .00. This sheet is attached in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 03-1195. This sheet is attached in duplicate.
- ☒ This Petition is enclosed in duplicate.

DOCKET NO.:

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PATENT

☒ Address all correspondence to **Customer No. 27573** which is assigned to Cephalon, Inc., 145 Brandywine Parkway, West Chester, PA 19380.

☒ Direct all telephone calls to:

Cephalon, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380  
Telephone: (610) 738-6465  
Facsimile: (610) 738-6590

Date: November 14, 2003

  
\_\_\_\_\_  
Eric K. Voelk  
Registration No. 45,185

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145 Brandywine Parkway  
West Chester, PA 19380  
Telephone: (610) 738-6465  
Facsimile: (610) 728-6590